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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/572,174

Filing Date: March 16, 2006

Appellant(s): EAST ET AL.

Simpson
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 9/17/2010 appealing from the Office action mailed 3/17/2010.

(1) Real Party in Interest

The examiner has no comment on the statement, or lack of statement, identifying by name the real party in interest in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The following is a list of claims that are rejected and pending in the application:

Claims 1-9 and 11-16.

(4) Status of Amendments After Final

The examiner has no comment on the appellant's statement of the status of amendments after final rejection contained in the brief.

(5) Summary of Claimed Subject Matter

The examiner has no comment on the summary of claimed subject matter contained in the brief.

(6) Grounds of Rejection to be Reviewed on Appeal

The examiner has no comment on the appellant's statement of the grounds of rejection to be reviewed on appeal.

(7) Claims Appendix

The examiner has no comment on the copy of the appealed claims contained in the Appendix to the appellant's brief.

(8) Evidence Relied Upon

US 6029175	Chow et al	02-2000
US 2003/0088580	Dasai et al	05-2003
US 2004/0078292	Blumenau	04-2004
US 2004/0077340	Forsyth	04-2004

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

1. Claims 1-6 and 11-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Chow et al (US patent 6029175).

As to claim 1, Chow et al discloses a method of providing content to a mobile web browsing device from any of several different web servers, comprising the steps of:

(a) receiving at a remote computer (figure 1, "Revision Manager", connected to both the device (figure 1, "Any CCI capable Web Browser") and each of those web servers (figure 1, "Remote HTTP Server 4a, 4b, and 4") over a network (figure 1), a log of data identifying content that has been viewed by that specific device, the log being generated and sent by the device (In light of specification, page 3, paragraph 2 and claim 1, "a log of data identifying content that has been viewed by that specific device" is interpreted as any type of data identifying content that has been viewed by that specific device. See Chow, col. 4, line 57- col. 5, line 3, user's local machine is the device that sends the log of data, and the Revision Manager is the remote computer that receives such log of data, "when the user **views the modified retrieved object, the form allows the user to specify whether this is an object of interest**"; col. 5, lines 32-38,

“The Revision manager **accepts a user input (specification)** indicating that the user has some interest in monitoring a particular document...**the specification...consists of 1) the unmodified URL for the object** and 2) a check box flag that is toggle on by the user (to indicate interest)”.

Here the specification contains such a log of data (URL) indentifying content (object) that has been viewed by the user).

(b) the remote computer identifying automatically without explicit user request any of that viewed content that has been updated (col. 5, lines 50-65, “(6) **spontaneously** updating of the cache when objects of interest have changed”; col. 6, lines 7-10, “when the document is determined to have been modified, the Revision Manager saves the updated document to its cache....”. The word “spontaneously” indicates automatically without explicit user request) and is therefore to be sent to the device (col. 6, line 7-15, the updated document is saved in the cache and is to be sent to the device when the device updates its view);

(c) the remote computer automatically causing only that viewed and any of that updated content stored on any of the web servers to be sent to the device over the network (col. 4, lines 5-12, “only those pages that a client specifically requests to be updated automatically”; lines 34-39, “automatically to the change in the information within a previously viewed document”; col. 10, line 67 – col. 11, line 3; col. 14, lines 9-13, “saving the cache information file and sending the WWW document back to the client”);

(d) causing that viewed and updated content to be automatically stored in device memory (col. 5, lines 50-65, “(6) spontaneously updating of the cache when objects of interest have changed; (7) notification of interested parties when objects of interest have changed”; col. 4, lines 25-39, “when the Revision Manger is located close to multiple users... shared local

cache...accessing a shared cache of automatically updated documents...”. The shared cache reads on “device memory”, since it is not specified where “device memory” is located. In addition, see col. 6, lines 10-15, “the browser of the interested party accesses the modified document from the Revision Manager’s cached file and **updates its view to correspond with the most recently accessed updated object**”. In order for the browser to update its view to correspond with the updated object, the updated object has to be stored in some sort of memory, such as display memory, web client application memory, and/or browser cache, etc. Since the claim recites “device memory” broadly, any type of device memory reads on the claimed limitation).

As to claim 2, Chow et al discloses the method of Claim 1 in which the log is generated at the device and replicated at the remote computer (col. 4, line 57 – col. 5, line 5; figure 26, for example, “<http://www.teknowledge.com/HBURST/>”, is generated at the user device and replicated at the Revision Manager, so that it can be altered and presented to the user).

As to claim 3, Chow et al discloses the method of Claim 1 in which the remote computer views multiple content from the web server and determines if the content has changed (col. 10, lines 60-67, the Revision Manager receives multiple content, the entire updated document, or a status code, and determines if the content has changed; figure 21; col. 19, lines 28-35, “response status code” and an attached updated document).

As to claim 4, Chow et al discloses the method of Claim 1 in which the remote computer views multiple content from the web server and determines when the content has changed (col. 10, lines 60-67, the Revision Manager views multiple content, the entire updated document, or a

status code, and determines when the content has changed when the viewed content is determined to be the entire updated document; figure 21; col. 19, lines 28-35, “time value”).

As to claim 5, Chow et al discloses the method of Claim 1 in which the remote computer is notified by the web server if the content on the server has changed (col. 10, lines 60-67, “status code”).

As to claim 6, Chow et al discloses the method of Claim 1 in which the remote computer directly sends updated content to the device or causes the updated content to be sent to the device (col. 5, lines 50-65, “(6) spontaneously updating of the cache when objects of interest have changed; (7) notification of interested parties when objects of interest have changed”; col. 4, lines 25-39, “when the Revision Manger is located close to multiple users... shared local cache...accessing a shared cache of automatically updated documents...” is equivalent to “directly sent”; col. 10, line 67 – col. 11, line 3 is equivalent to “indirectly sent”).

As to claim 11, Chow et al discloses the method of Claim 1 in which the remote computer sends data to the device that automatically causes the device to display a link to new content (figure 30, “this is an update from: <http://www.teknowledge.com/HIBUST>”), the new content being automatically stored on the device (see similar rejection to claim 1).

As to claim 12, Chow et al discloses the method of Claim 1 in which the device includes a user interface that indicates whether given content is already stored in device memory or not (figure 26, “Alert me on source update for: <http://www.teknowledge.com/HIBURST/>” indicates the original content is already stored in device memory (retrieved at least once already), see col. 4, line 57 - col. 5, line 3).

Claim Rejections - 35 USC § 103

2. Claims 7-9 and 15-16 are rejected under 35 U.S.C. 103(a) as unpatentable over Chow et al, as applied to claim 1 above, and further in view of Desai et al (US2003/0088580).

As to claim 7, Chow et al discloses the method of Claim 6 in which the remote computer is connected to both the device and each of the web servers over a network (see rejection to claim 1), and wherein the remote computer makes a decision whether or not to send, or cause to be sent, the updated content (figure 21, col. 19, lines 30-65), but does not expressly disclose a wireless network or taking into account one or more of the following: (b) how often the user views the content; (c) what an operator of the wireless network wants to promote. Desai et al discloses a wireless network ([0022], “mobile computing device”) and taking into account the following: (b) how often the user views the content (Desai et al, [0032], lines 4-8); (e) what an operator of the wireless network wants to promote (Desai et al, [0034], lines 3-6).

At the time of invention, it would have been obvious to a person of ordinary skilled in the art to combine the teachings disclosed by Chow et al, with the teachings disclosed by Desai et al regarding a wireless network and taking into account one or more of the factors listed above. The suggestion/motivation of the combination would have been to extend the applicability of the system to a widely accepted network type, wireless network, and also to make the updating procedure configurable to improve user friendliness.

As to claim 8, Chow-Desai discloses the method of Claim 7 in which the operator of the wireless network set thresholds for at least one of the above conditions (Dasai, [0032], lines 11-18; [0033], lines 21-23, “weighting coefficient”). It is obvious to a person of ordinary skill in the

art to apply the method of setting threshold for one of the conditions to setting the threshold for more conditions.

As to claim 9, Chow-Desai discloses the method of Claim 7 in which these thresholds are controlled at the remote computer and so can be updated at any point by the operator if it wants to implement different caching strategies (Desai, [0032]; [0033]).

As to claim 15, Chow-Desai discloses the method of Claim 1 in which the updated content is sent at off-peak periods or to otherwise fill bandwidth troughs (Desai, [0008]; [0023], lines 39-44).

As to claim 16, Chow et al discloses a web browsing device able to download and store content from a web server over a wireless network, wherein the device is programmed to:

(a) create a log of data identifying the content that is being viewed by the device (col. 4, line 65 – col. 5, line17, "**when the user views the modified retrieved object the form allows** the user to specify whether this is an object of interest"; col. 5, lines 32-38, "The Revision manager **accepts a user input (specification)** indicating that the user has some interest in monitoring a particular document...**the specification...consists of 1) the unmodified URL for the object** and 2) a check box flag that is toggle on by the user (to indicate interest)");

(b) send that log to a remote computer automatically without any explicit request to watch for updates of specifically identified content (col. 4, line 65 – col. 5, line17, "**the form allows** the user to specify whether this is an object of interest"; col. 5, lines 32-38, "The Revision manager **accepts a user input (specification)** indicating that the user has some interest in monitoring a particular document...". The user indicates interest in an object by referencing the object in the specification in a supplied form. The user does not send "any **explicit request to**

watch for updates of specifically identified content”, instead, by indicating the interest to the object, the user implicitly requesting watching for updates of specifically identified content), the remote computer being connected to the web server and the device over the wireless network (see similar rejection to claim 1);

(c) receive from the web server any content that has been identified by the remote computer as having been updated (col. 6, lines 10-15, “the browser of the interested party accesses the modified document from the Revision Manager’s cached file and updates its view to correspond with the most recently accessed updated object”);

(d) automatically store only that viewed and updated content in memory (col. 6, lines 10-15, “the browser of the interested party accesses the modified document from the Revision Manager’s cached file and updates its view to correspond with the most recently accessed updated object”. In order for the browser to update its view to correspond with the updated object, the updated object has to be stored in some sort of memory, such as display memory, web client application memory, and/or browser cache, etc. Since this claim recites “in memory” broadly, any type of memory reads on the claimed “memory”).

Chow et al does not expressly disclose a mobile device. Desai et al discloses a mobile device ([0022], “mobile computing device”).

At the time of invention, it would have been obvious to a person of ordinary skilled in the art to combine the teachings disclosed by Chow et al, with the teachings disclosed by Desai et al regarding a wireless device. See similar motivation in rejection to claim 7.

3. Claim 13 is rejected under 35 U.S.C. 103(a) as unpatentable over Chow et al, in view of Desai et al., as applied to claim 7, and further in view of Blumenau (US publication 2004/0078292).

As to claim 13, Desai et al. disclose recording the history of pages of the Web site serviced by the Web server and viewed by the user of the device ([0029]); however, Desai et al. does not expressly disclose the log also records the time that a specific item of content was viewed by the device. Blumenau discloses recording the time the content is viewed ([0063]).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to combine the method disclosed by Chow-Desai, with the method disclosed by Blumenau regarding recording the time the content is viewed. The suggestion/combination would have been to determine the duration of the content display (Blumenau, [0063]).

4. Claim 14 is rejected under 35 U.S.C. 103(a) as unpatentable over Chow et al, in view of Desai et al., as applied to claim 7, and further in view of Forsyth (US publication 2004/0077340).

As to claim 14, Desai et al. discloses recording the history of content viewed by the user of the device ([0029]), but does not expressly disclose the log identifies whether content that is being viewed is updated content that had earlier been stored in device memory. Forsyth discloses a method of indicating whether the content is already stored in device memory or not (abstract; figure 7).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to combine the method disclosed by Chow-Desai, with the method disclosed by Forsyth regarding indicating whether the content is already stored in device memory or not. The suggestion/motivation of the combination would have been to improve user friendliness.

(10) Response to Argument

The applicant argues the following issues. Examiner does not find the arguments convincing.

(A) Rejection under 35 U.S.C. 102 with regard to claims 1-6 and 10-12

Issue 1: Appellant argues (on page 7, paragraph 3) with respect to claim 1 that Chow does not teach “receiving at a remote computer a log of data identifying content that has been viewed by a specific device, the log being generated and sent by the device”

Applicant alleges the following statement in order to support his above position:

- a) In Chow, the device does not send **the object of interest** to the Revision Manager, instead the device sends 1) the URL of the desired resource; 2) a binary indication of whether or not the user wants to receive updates; and
- b) The claimed invention receives a log, **not the content (object) itself.**

In response to argument a), as conceded by Appellant in argument (b), the claimed invention does not require the content (object) itself to be sent from the device. Therefore Appellant's argument in (a) contending that in Chow the device is not sending the object of interest is considered moot.

In response to argument b), Chow teaches the remote computer receiving a log of data identifying content that has been viewed by that specific device, the log being generated and sent by the device (In light of specification, page 3, paragraph 2 and claim 1, "a log of data identifying content that has been viewed by that specific device" is interpreted as any type of data identifying content that has been viewed by that specific device. See Chow, col. 4, line 57-col. 5, line 3, user's local machine is the device that sends the log of data, and the Revision

Manager is the remote computer that receives such log of data, “when the user **views the modified retrieved object, the form allows the user to specify whether this is an object of interest**”; col. 5, lines 32-38, “The Revision manager **accepts a user input (specification)** indicating that the user has some interest in monitoring a particular document...**the specification...consists of 1) the unmodified URL for the object and 2) a check box flag that is toggle on by the user (to indicate interest)**”. Here the specification contains such a log of data (URL) identifying content (object) that has been viewed by the user).

Therefore Chow teaches the remote computer receiving “a log of data identifying content that has been viewed by that specific device”.

Issue 2: Appellant argues (on page 8, paragraph 1) with respect to claim 1 that Chow does not teach “the remote computer identifying automatically without explicit user request any of that viewed content that has been updated and is therefore to be sent to the device”. Applicant argues that in Chow, the user must first submit the object of interest.

Examiner does not find the argument convincing. The claimed limitations is “**identifying automatically without user request any of that viewed content that has been updated....**” Chow discloses such limitation: the remote computer identifying automatically without explicit user request any of that viewed content that has been updated (see Chow, col. 5, lines 50-65, “**(6) spontaneously** updating of the cache when objects of interest have changed”; col. 6, lines 7-10, “when the document is determined to have been modified, the Revision Manager saves the updated document to its cache....”. The word “spontaneously” indicates automatically without explicit user request) and is therefore to be sent to the device (col. 6, line

7-15, the updated document is saved in the cache and is to be sent to the device when the device updates its view).

Therefore Chow teaches the claimed limitation “the remote computer identifying automatically without explicit user request any of that viewed content that has been updated and is therefore to be sent to the device”.

Issue 3: Appellant argues (on page 8, paragraphs 2-3) with respect to claim 1 that Chow does not teach “causing that viewed and updated content to be automatically stored in device memory”.

Applicant argues that Chow does not teach the updated content being stored in device memory, and that the shared cache in “in the Revision Manager”.

Examiner does not find Appellant’s argument convincing. It is to be noted that the claimed limitation recites “automatically stored **in device memory**” broadly. The limitation does not specify which device this “device memory” is located. The “cache” in Revision manager as disclosed by Chow certainly reads on the broad interpretation of “device memory”. See Chow, col. 5, lines 50-65; col. 4, lines 25-39; and col. 6, lines 6-10.

In addition, see col. 6, lines 10-15, “the browser of the interested party accesses the modified document from the Revision Manager’s cached file and **updates its view to correspond with the most recently accessed updated object**”. In order for the browser to update its view to correspond with the updated object, the updated object has to be stored in some sort of memory, such as display memory, web client application memory, and/or browser cache, etc. Since the claim recites “device memory” broadly, any type of device memory reads on the claimed limitation.

(B) Rejection under 35 U.S.C. 103(a) with regard to claims 7-9 and 15-16

Issue 1: Appellant argues (on page 9, paragraph 2) with respect to claim 16 that Chow does not teach “log of data identifying the content that is being viewed by the device”.

Examiner disagrees. Chow discloses creating a log of data identifying the content that is being viewed by the device (col. 4, line 65 – col. 5, line 17, “**when the user views the modified retrieved object the form allows** the user to specify whether this is an object of interest”; col. 5, lines 32-38, “The Revision manager **accepts a user input (specification)** indicating that the user has some interest in monitoring a particular document...**the specification...consists of 1) the unmodified URL for the object** and 2) a check box flag that is toggle on by the user (to indicate interest)”).

Issue 2: Appellant further argues (on page 9, paragraph 2) with respect to claim 16 that Chow does not teach “the device creates the log of data, i.e, automatically and without user intervention”.

Examiner did not find such limitation recited in claim 16. Claim 16 recites “create a log of data identifying the content that is being viewed by the device”, which is taught by Chow as explained by Examiner in Issue 1 above. Claim 16 does not limit such creating the log of data is “automatically and without user intervention”. Therefore this argument is considered moot.

Issue 3: Appellant’s argument regarding dependent claims 7-9 and 15 is based on his/her arguments for independent claim 1. See Examiner’s response to Appellant’s arguments for claim 1 in (A) above.

(C) Rejection under 35 U.S.C. 103(a) with regard to claims 13 and 14

Appellant's arguments with respect to claims 14 and 14 on pages 10-11 are based on his/her arguments for independent claim 1. See Examiner's response to Appellant's arguments for claim 1 in (A) above.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/H. F./

Examiner, Art Unit 2456

Conferee

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